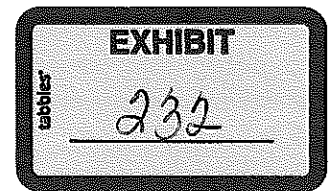


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BUREAU OF WATER PROTECTION AND LAND REUSE  
OFFICE OF THE BUREAU CHIEF

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Mr. Paul Stacey  
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Connecticut Department of Environmental Protection  
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### Comments on Proposed Stream Flow Standards and Regulations

1. I generally support the DEP's proposed stream flow standards and regulations, which are designed to protect biotic communities in Connecticut rivers and streams by limiting diversions so as to assure minimum water flows.

2. I do, however, have reservations about the stream classification system, which stipulates increasingly permissive minimum flows for streams in classes 1-3, while requiring no minimum for class 4 streams, save what is provided for elsewhere in state regulations – see Sec. 26-141b-6(a)(2)(C) and 26-141b-6(a)(3)(B). Given the difficulty of moving a stream out of class 4 (Sec. 26-141b-5(c)(1)(A) essentially requires that there be some exogenous change for the better), streams consigned to class 4 will be written off as unsalvageable. I do not believe we should simply give up on trying to improve the situation for any stream.

The easiest way to address this problem is simply to eliminate class 4. The minimum flow standards for class 3 streams seem sufficiently permissive as they stand (Sec. 26-141b-6(a), (2)(B) and (3)(A)). And those who disagree may apply for a variance (Sec. 26-141b-6(c)), though they assume the burden of proof, which is as it should be.

3. The minimum flow standards given in Sec. 26-141b-6(a), (2)(B) and (3)(A), are stated in terms of Bioperiod Qk (where k is a percentage), but the definitions of Bioperiod Qk (Sec. 26-141b-2, (5) – (11)) don't make clear what daily stream flow is referenced. Is it the inflow to the dam? Also, (3)(A) stipulates "minimum continuous flow", while (2)(B) speaks only of "minimum flow". Is this intended? If Bioperiod Qk is reckoned in cfs, maybe there's no difference, but presumably we don't want the whole daily flow released in 20 minutes.

A handwritten signature in black ink, appearing to read "Scott K. Lehmann".

Scott K. Lehmann